

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

JUN 12 2006

Case No. 5546
Date Filed 6/5/06
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☒ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5546 MAP 33 TYPE Variance

ELECTION DISTRICT 03 LOCATION 2409 Feather Mae Court, Forest Hill 21050

BY Steven Harris

Appealed because a variance pursuant to Section 267-46.1(B)(5)(b) of the Harford

County Code to permit a shed to be located in the 100' agricultural setback in the RR

District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Steven Harris Phone Number 410 836 5015
Address 2409 Feather Mae Ct Forest Hill MD 21050
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2409 Feather Mae Ct
Forest Hill MD 21050

Subdivision Fielders Farms Lot Number 17

Acreage/Lot Size 2.6 Ac Election District 03 Zoning RR

Tax Map No. 33 Grid No. 3E Parcel 450 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: Shed to house Equipment
necessary to maintain Property, Storage for material

Estimated time required to present case: month

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

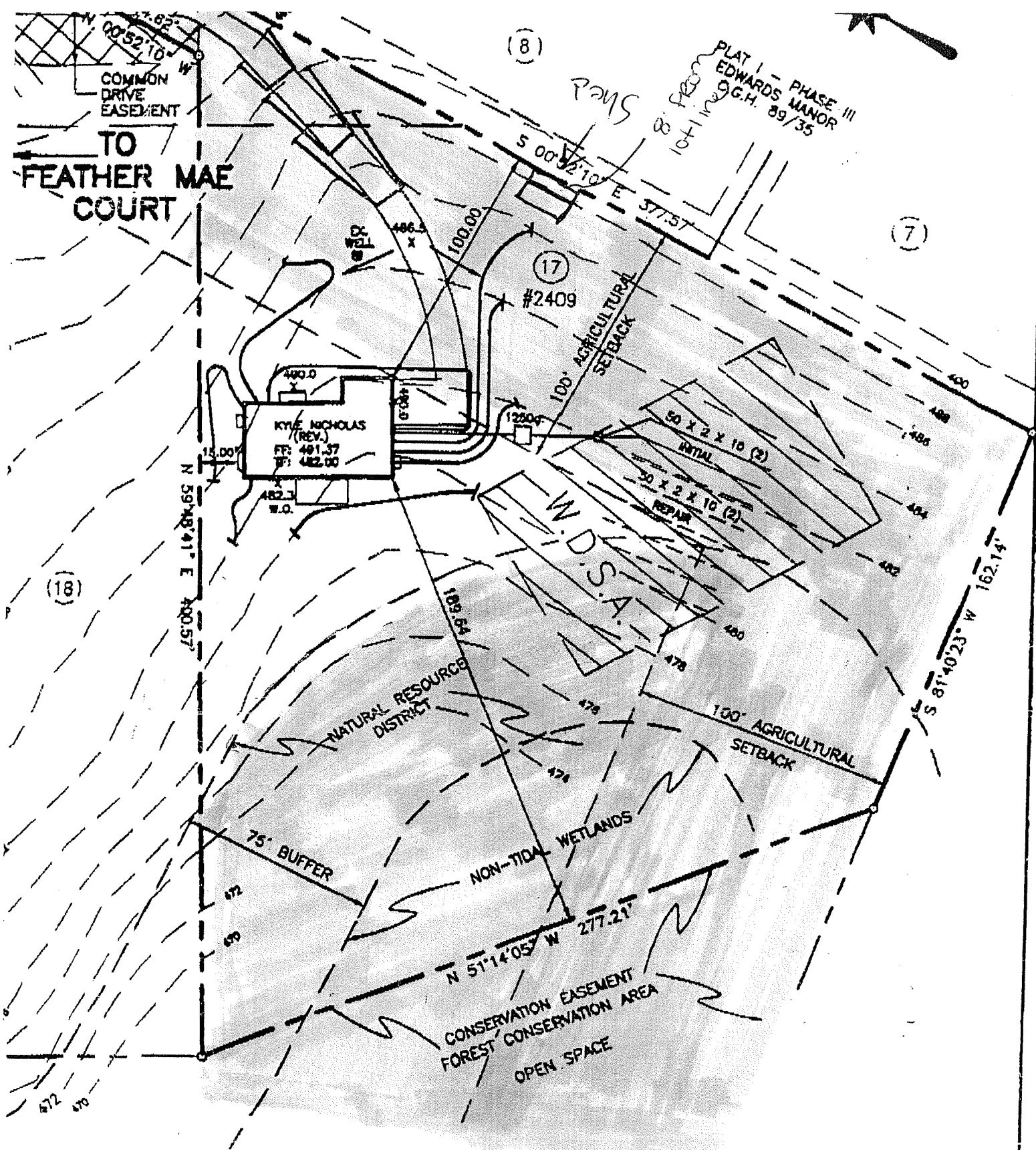
Request

would like a variance from current zoning of
my property. there are Agricultural Setbacks on 2
sides of property, and a 75' Buffer in the rear, leaving
me no place to put my shed other than where it is now.
Sewer drainage also plays a part in placement.

Justification

Please leave where shed now sits. my neighbors are
pleased with where i have placed it. I believe
i have no options due to the fact that
there are so many restrictions on my property.
I have no place to store my lawn + Building equipment
(Tractor, Steel Cart for hauling, Large Roller, etc.)

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



LOT MAY REQUIRE A SEWER EJECTOR PUMP.
 THE EXISTING CONTOURS SHOWN HEREON WERE TAKEN FROM
 "GRADING & EROSION & SEDIMENT CONTROL PLAN, FIELDER
 FARM PROPERTY, PHASE I," CREATED BY FREDERICK WARD
 ASSOC. INC. DATED 7-10-97.

PRESENT ZONING: RR
 ZONING REQUIREMENTS:
 FRONT: 25'
 SIDE: 15'
 REAR: 50'
 PLAT REF: 95-90

CNA
 campbell & nolan associates, inc.

REVISED PLOT PLAN
 LOT 17
 FINAL PLAT
 PHASE II

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

June 21, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5546

APPLICANT/OWNER: Steven Harris
2409 Feather Mae Court, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicant

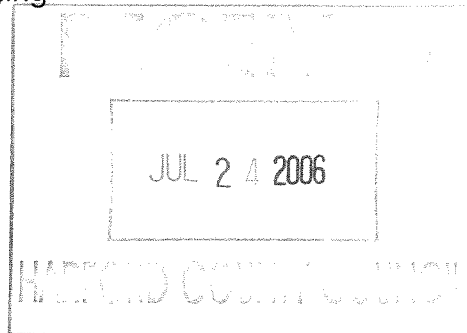
LOCATION: 2409 Feather Mae Court-Fielder Farms
Tax Map: 33 / Grid: 3E / Parcel: 450 / Lot: 17
Election District: Three (3)

ACREAGE: 2.6 Acres

ZONING: RR/Rural Residential

DATE FILED: June 5, 2006

HEARING DATE: August 2, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Would like a variance from current zoning of my property. There are Agricultural setbacks on 2 sides of property, and a 75 foot buffer in the rear, leaving me no place to put my shed other than where it is now. Sewer drainage also plays a part in placement."

Justification:

"Please leave where shed now sits. My neighbors are pleased with where I have placed it. I believe I have no options due to the fact that there are so many restrictions on my property. I

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Steven Harris

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have no place to store my lawn and building equipment (tractor, steel cart for hauling, large roller, etc).”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-46.1(B)(5)(a) of the Harford County Code to permit a shed to be located in the 100 foot Agricultural setback in the RR/Rural Residential District.

Section 267-46.1(B)(5)(a) of the Harford County Code reads:

- (a) *A minimum one hundred (100) foot setback shall be established along existing public roads (measured from the edge of the right-of-way) and along the adjacent property boundaries, and waterways. This setback may be reduced to fifty (50) feet from the edge of the right-of-way and along the adjacent property boundary if the area within the fifty (50) feet contains existing forest and that forest is retained and designated as an undisturbed forest buffer area and, if necessary supplemental landscaping is provided to adequately screen the proposed development from the public road. Lots may be located within the fifty (50) foot setback provided that no structures are located within this area.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant’s property is located in Forest Hill. The lot is part of a development of Fielder Farms situated to the north side of East Jarrettsville Road. This property is a panhandle lot located at the end of Feather Mae Court. A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located outside of the Development Envelope. The predominant land use designations in this area are Rural Residential and Agricultural. The Natural Features Map reflects Sensitive Species Project Review Areas, and Agricultural Preservation Districts and Easements. The subject property is designated as Rural Residential which is defined by the Master Plan as:

Rural Residential – *Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

Land Use – Existing:

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The existing land uses conform to the intent of the 2004 Master Plan. The subject property is located in a rural area north of the development envelope. The predominant land uses include single family residential dwellings and agriculture. The topography of the area ranges from rolling to steep especially near the stream valleys and their tributaries. A copy of the topography map and a copy of the aerial photograph are enclosed with the report (Attachments 5 and 6).

The Applicant's property is a panhandle lot located at the end of Feather Mae Court. The lot has an unusual shape. The topography of the lot is rolling. Improvements consist of a brick and frame 2 story single family dwelling with an attached two car garage, a deck across the rear of the dwelling, a enclosed screened porch and concrete patios under the deck. The driveway is paved and there is a turning and parking area in front of the garage. Located in the rear yard is a wooden play set. The property is nicely landscaped and all of the improvements are well maintained. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 7 and 8).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes VR/Village Residential and RR/Rural Residential. Commercial zoning includes CI Commercial Industrial and GI/General Industrial Districts. Enclosed with the report is a copy of the zoning map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-46.1(B)(5)(a) of the Harford County Code to permit a shed to be located in the 100 foot Agricultural setback in the RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The buildable area of the lot is severely restricted due to the required 100 foot setback and the location of the Natural Resource District (NRD). The shed is located along the property line that borders lot 8 in Edwards Manor and backs up to a shed located on lot 8. The current location of the shed does not have an adverse impact on the adjacent property.

RECOMMENDATION and or SUGGESTED CONDITIONS:

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The Department of Planning and Zoning recommends that the requested variance be approved subject to the applicant obtaining all necessary permits for the shed.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning